

Ulrich, Kari

From: Sieben, Ed
Sent: Friday, August 31, 2007 1:22 PM
To: 'Jim Murphy'
Cc: ldelmore@aol.com; ricklawrence@sbcglobal.net; Mewmaw, Sharon; Peters, John; Weisner, Tom; Wiet, William
Subject: RE: Thank you for your willingness to help

Follow Up Flag: Follow up
Flag Status: Flagged

Jim, although the actual zoning on the Gemini property is PDD-Planned Development District, one needs to review the 1973 annexation agreement for Fox Valley East, which allows for B-2 uses on that property. The actual 1973 Zoning Ordinance applies to the property, but essentially it is very similar to our current B-2 section which is online. As you state, this is being reviewed by counsel currently.

Ed

-----Original Message-----

From: Jim Murphy [mailto:jimmurphy69@yahoo.com]
Sent: Wednesday, August 29, 2007 2:45 PM
To: Sieben, Ed
Cc: ldelmore@aol.com; ricklawrence@sbcglobal.net; Mewmaw, Sharon; Peters, John; Weisner, Tom
Subject: Thank you for your willingness to help

Edward -

I am sure you have heard from the Mayor or corporate counsel by now. The Mayor and City Council have committed to a full and complete investigative review of the events leading up to this point relative to the Planned Parenthood facility. They have committed to halt further progress, use of or approval of any occupancy until the facts have been determined and the Mayor, City Council and the Community have had a chance to review the investigative report. At that point there will be an opportunity to decide the best course of action for the community as a whole.

I attach two documents - the Naperville Assessors Report and a copy of the Zoning Map for that area. It is not clear to me what the actual zoning description is for that parcel.

Would you be kind enough to send me the zoning history for that parcel, and the legal description of the zoning that applies.

By copy of the email, I thank the Mayor and Alderman for their support of what is best for the community.

Thank you and best regards,

Jim Murphy
2340 Chandler Ct
Aurora, IL 60502

Resident of Ward 10

630-665-1938

002104

Ulrich, Kari

From: Curley, John
Sent: Sunday, September 02, 2007 4:44 PM
To: Wiet, William; Weisner, Tom
Cc: Ergo, Carie Anne; Curley, John; Schroth, Kenneth; Beneke, Herman
Subject: RE: Gemini

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Mayor, Carrie Anne & Bill

In total now I have reviewed ~360 pages of documents and ~80 (mostly) E sized sheets for Building & Permits and Planning & Zoning. In addition, I have reviewed all of the Community Development Computer Files for these cases/permits and I see no mention anywhere of Planned Parenthood or anything other than Gemini.

These are the items out of the whole review that struck me as potentially noteworthy:

1. There is one mention of Bullet Resistant Level III Glass on the Full permit submittal (July 29th 06) this was on a Door frame sheet. 1 small note on a 68 page set of E sized drawings (large drawing sheets).
2. Signage permit - signed by Scott Mosel of Krahl Construction (3/22/07)
 - Cover page indicates "Tenant is not Determined" & Tenant is "Unknown at this time"
 - Sign Elevation is shown as a elevation with generic signage lettering "Abcdefg Hijklmnop" with a note that indicates "Tenant no leased at this time."
3. Final Plan Signage exhibit (10-26-06) indicates signage as "GEMINI OUTPATIENT FACILITY"

Only two things left to check

1. Engineering results of similar search (Ken - Dan F.)
2. Search of the Alarm Users registration information from B&P / Fire Prevention. (Herman check with Gregg and if not at B&P please obtain info from Irene/Gary Pozzi. Need a copy to forward to Carrie Anne along with dates)

Ken and Herman --- Mayor/Carrie Anne needs info ASAP this morning

Thanks
John Curley

In addition:

Sieben found the following on the WEB Friday - Illinois Finance Authority May 8th 2007 meeting minutes indicate that Mr. Terry Huyck COO of planned parenthood presented N-NP-TE-CD-7096 - Planned Parenthood Association (Chicago Area) and Gemini Office Development LLC

Request for final approval of the issuance of conduit 501(c)(3) Revenue Bonds in the amount not-to-exceed \$10,000,000 to financed) costs of issuance for projects located in Aurora and Chicago Illinois. The project is expected to create 47 new jobs and 150 construction jobs

002105

Ulrich, Kari

From: Schroth, Kenneth
Sent: Tuesday, September 04, 2007 9:23 AM
To: Curley, John; Wiet, William; Weisner, Tom
Cc: Ergo, Carie Anne; Beneke, Herman
Subject: RE: Gemini

Follow Up Flag: Follow up
Flag Status: Flagged

We have reviewed all of the documents submitted to our Division regarding the project. The majority of the submittals refer to "Gemini Office Development" which later changed to "Gemini Outpatient Facility" on some of the documents. One item to note: the IEPA permits were completed showing the name of the project as "Gemini Outpatient Facility" with the owner of the project as "Partners in Development". We see no mention anywhere of Planned Parenthood or anything other than Gemini.

Please let me know if you require any additional information.

Ken

-----Original Message-----

From: Curley, John
Sent: Sunday, September 02, 2007 4:44 PM
To: Wiet, William; Weisner, Tom
Cc: Ergo, Carie Anne; Curley, John; Schroth, Kenneth; Beneke, Herman
Subject: RE: Gemini
Importance: High

Mayor, Carrie Anne & Bill

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Ulrich, Kari

From: Beneke, Herman
Sent: Tuesday, September 04, 2007 10:32 AM
To: Curley, John; Wiet, William; Weisner, Tom
Cc: Ergo, Carie Anne; Schroth, Kenneth
Subject: RE: Gemini

Follow Up Flag: Follow up
Flag Status: Flagged

John/Carrie Anne,

The paperwork has been forwarded to fire prevention. Gregg is out today and so is Irene. Gary is looking for it now. We will get this to you as soon as he tracks it down.

As far as inspections, our inspection history report indicates that the fire hydros were approved on 7/23/07, the fire alarm acceptance test was done and approved on 8/01/07 and the Fire Final was approved on 8/16/07.

Thanks,
Herman

—Original Message—

From: Curley, John
Sent: Sunday, September 02, 2007 4:44 PM
To: Wiet, William; Weisner, Tom
Cc: Ergo, Carie Anne; Curley, John; Schroth, Kenneth; Beneke, Herman
Subject: RE: Gemini
Importance: High

Mayor, Carrie Anne & Bill

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John Curley

In addition:

002108

Sieben found the following on the WEB Friday - Illinois Finance Authority May 8th 2007 meeting minutes indicate that Mr. Terry Huyck COO of planned parenthood presented N-NP-TE-CD-7096 - Planned Parenthood Association (Chicago Area) and Gemini Office Development LLC

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Wiet, William

From: Metzger, Dawn
Sent: Sunday, September 02, 2007 2:50 PM
To: Wiet, William; Weisner, Tom
Cc: Curley, John; Metzger, Dawn; Ergo, Carie Anne
Subject: Gemini

Mayor, Carrie Anne & Bill - This is Curley

I had to call Dawn in and use her machine for Questys. Finished BP review. No mention of anyone other than Gemini.

Reviewed 251 pages of documents and 68 (mostly) E sized plan sheets for the Building Permits.

Did find two interesting items:

1. There is one mention of Bullet Resistant Level III Glass on the Full permit submittal (July 29th 06) this was on a Door frame sheet. 1 small note on a 68 page set of E sized drawings (large drawing sheets).
2. Signage permit - signed by Scott Mosel of Krah Construction (3/22/07)
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On to Planning Items
More to Follow.....

JPC

Dawn

Please run an additional copy of all of the documents for Carrie Anne Ergo in Mayor's Office as well.

Thanks for bailing me out. JPC

Wiet, William

From: Metzger, Dawn
Sent: Sunday, September 02, 2007 3:23 PM
To: Weisner, Tom; Wiet, William
Cc: Ergo, Carie Anne
Subject: Gemini

Mayor, Carrie Anne & Bill

Curley again.

Done on Questys with planning as well. Nothing other than Gemini.

One thing of Interest:

- Final Plan Signage exhibit (10-25-2006) indicates signage as "GEMINI OUTPATIENT FACILITY"

I'm now heading to Elmslie to check the Planners hard copy file (items not yet scanned).

JPC

002111

Sieben, Ed

From: Macholl, Timothy
Sent: Monday, September 10, 2007 11:01 AM
To: Sieben, Ed
Subject: Gemini Info

Ed,

Here is the PDF of the Gemini documentation. Included in this is the land use petition, qualifying statement, Letter granting authority, Legal Description, A letter to Steve Andras concerning wetlands, my Staff Report, Stephane's project explanation, the Approved Final Plan, Approved Landscape Plan, Approved Site Plan, Approved Elevations, Approved Fire Plan, Approved Photometrics, and the Original Action Document.

If there is anything that needs to be added please let me know ASAP.

Tim

-----Original Message-----

From: Planning @ Zoning [mailto:Planning@aurora-il.org]
Sent: Monday, September 10, 2007 10:59 AM
To: Macholl, Timothy
Subject: Attached Image



1332_001.pdf

002112

EXHIBIT P

002113

COPY



City of Aurora

Department of Community Development - Development Services • (630) 906-4081
65 Water Street • Aurora, Illinois 60505-3305 FAX (630) 892-8112

August 31, 2007

sent via fax $\frac{1}{2}$

Certified mail 8/31/07

Gemini Office Development
Thomas Lehman
6301 South Cass Avenue-Ste.301
Westmont, Illinois 60559

Krahl Construction
Scott Mousel
322 South Green Street
Chicago, Illinois 60607

Re: 3051 East New York Street-Permit # 06-3529

Gentlemen:

Please be advised that the City of Aurora have begun a full review of the process surrounding the development of your property at the above address, in order that we may ensure that all codes and regulations have been met prior to your occupancy thereof. Therefore, we are modifying the conditional Temporary Occupancy Permit issued August 16, 2007 to include an additional condition that you may not open for business until such time as the City has given you further written approval to do so. This letter should be considered official notice thereof.

We understand that your projected opening date is September 18, 2007, and it is our intention to conclude our review in order to provide you with further direction prior thereto.

Sincerely,



John P. Curley AIA
Assistant Director Community Development
City of Aurora

CC: Alayne W, Bill W, Carrie Anne E.

002114



City of Aurora

Department of Community Development - Development Services • (630) 844-3627
1 S Broadway • Aurora, Illinois 60505-3305 FAX (630) 906-7430

Tuesday, September 11, 2007

Gemini Office Development
Thomas Lehman
6301 South Cass Ave – Ste. 301
Westmont, IL 60559
fax (630) 963-4475
twlehman@ameritech.net

Scott Mousel
Krahl Construction
322 South Green Street
Chicago, IL 60607
fax (312) 707-8552
smousel@krahlconstruction.com

Regarding: 3051 East New York Street - Permit # 06-3529

Gentlemen:

This correspondence is a follow-up to our letter to you of August 31, 2007 in which we advised you that, pending a review of the development process, you could not open for business under the temporary certificate of occupancy.

At that time we indicated that it was our intention to have the review concluded by September 18, 2007. We wish to advise you that it is not likely that the review process will be completed prior to your projected opening date. The City of Aurora has no intention of allowing you to open for business prior to the completion of the independent review.

Therefore, we wish to reiterate that until or unless you receive specific approval from the City of Aurora, you are not permitted to open for business.

If you have any questions on this matter, you may contact me directly (630) 844-3627

We appreciate your cooperation in this matter,

John P. Curley AIA
Assistant Dir Community Development

002115

09/12/2007 WED 12:59 FAX 630 892 8112 COA BLDGS\FIRE PREV.

001/001

KRAHL CONSTRUCTION

CONSTRUCTION MANAGEMENT
GENERAL CONTRACTING
SINCE 1973

322 South Green Street
3rd Floor
Chicago, IL 60607
312/548-0800 Telephone
krahl@krahlconstruction.com

Sender's e-mail:
SMousek@krahlconstruction.com

September 12, 2007

Mr. Herman Beneke
City of Aurora
Division of Building and Permits
43 West Galena Blvd.
Aurora, IL 60506

Re: Gemini Medical Office Building
3051 East New York Street - Permit #06-3529

Dear Mr. Beneke,

Please be advised that Krahl Construction, General Contractor for the above referenced project, has completed the items as noted incomplete on the Temporary Certificate of Occupancy (TCO) and hereby requests final inspection.

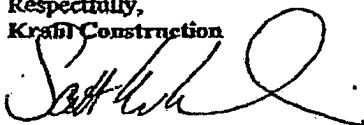
As such, we were informed via telephone that this project is being reviewed by you and that our final Certificate of Occupancy request needs to be directed to you.

We hereby request final inspection for Friday, September 14, 2007.

We assume that the City will extend the TCO until such time as you can arrange for this final inspection.

Please contact me at your earliest convenience to confirm a time for the inspection on Friday. I can be reached via cell phone at 312-735-6397.

Respectfully,
Krahl Construction



Scott Mousek
Project Manager

Cc: Thomas Lehman - Gemini Office Development
Dainius Petronis - Gemini Office Development
Kathleen Howard - Perkins Coie LLP
Dave Dastur - Jensen and Halstead

002116

Ulrich, Kari

From: Beneke, Herman
Sent: Wednesday, September 12, 2007 1:26 PM
To: Ergo, Carie Anne; Curley, John
Cc: Wiet, William; Weisner, Tom; Weingartz, Alayne
Subject: Planned Parenthood

Carrie Anne/John,

I have a phone call from a reporter on planner parenthood. I wanted to know who wanted it or what to do with it. I believe her name was Meg at 412-921-8099. I did not get her full name or the organization clearly, but I did save the call if you wish to hear it.

Mayor/Bill,

I faxed a letter from the contractor for this project to your office. He is asking for his inspection and the temp occupancy extended in writing. He also called yesterday. The letter has also been faxed to John and legal. I am aware we are not extending the temp or doing the inspection. I just wanted everyone to know and John said he would discuss this with you to decide how to respond. Let me know if I need to do anything.

Thanks,
Herman

09/12/07 12:38 FAX 312 427 0802

PP/CHICAGO

0001



September 12, 2007

BY TELECOPY
@ (630) 906-7430

John P. Curley AIA
City of Aurora
Department of Community Development
Development Services
1 S. Broadway
Aurora, Illinois 60505-3305

Re: 3051 East New York Street — Permit # 06-3529

Dear Mr. Curley:

I have received a copy of your September 11, 2007 letter to Thomas Lehman and Scott Mousel. I wanted to respond immediately to let you know how concerned we are that there is any possibility that the City of Aurora will not permit our new Planned Parenthood clinic to open on September 18.

On August 16, 2007, the City of Aurora issued us a Temporary Occupancy Permit which allowed us to open our facility and begin seeing patients immediately. Based on that Temporary Occupancy Permit, we announced publicly that we intended to open our doors on September 18. We also began scheduling patients for that day. If we do not open on September 18, those patients will not be able to receive services from Planned Parenthood.

In your August 31, 2007, letter, you assured us that you would conclude any additional review by September 18. We also understood at that time, that the City of Aurora had retained Richard Martens, a well-respected municipal law attorney who was preparing a legal opinion at the City's request.

LEGAL13552877.1

18 S. Michigan Ave., 6th Floor
Chicago, Illinois 60603
tel: 312.592.6800 fax: 312.592.6801
www.plannedparenthoodchicago.com
www.plannedparenthoodaction.com

002118

John P. Curley AIA
September 12, 2007
Page 2

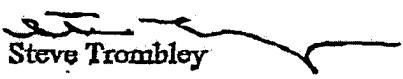
Since then, we understand the City of Aurora has terminated its relationship with Mr. Martens, and retained new counsel for purposes of an additional "review" of our building and occupancy permits. Further, your September 11, letter now states "The City of Aurora has no intention of allowing you to open for business prior to the completion of the independent review."

At no time have you provided us any basis for this additional "review." Further, no one has contacted us to provide any information as part of this process. We are not aware of any other organization that has been subjected to this ad hoc process at any time, let alone after the City has issued a Temporary Occupancy Permit.

In short, it appears that City is creating additional legal processes and conducting endless "reviews" simply because it objects to the fact that Planned Parenthood provides abortion services in addition to a full range of other health care services for its patients. This is not only unacceptable, but illegal.

By this letter, we demand that the City withdraw its improper "modification" of the Temporary Occupancy Permit and allow Planned Parenthood to open for business as scheduled on September 18. If I do not hear from you by 12:00 noon tomorrow, Planned Parenthood will be forced to go to court to seek redress from the City's improper conduct and to ensure that we are able to provide services to our patients as promised.

Sincerely,


Steve Trombley

cc: Thomas Lehman
Gemini Office Development

Scott Mousel
Krahl Construction



City of Aurora

Law Department • 44 East Downer Place • Aurora, Illinois 60507-2067 • (630) 844-4777 • Fax (630) 844-4737

Corporation Counsel:
Alayne M. Weingartz

Assistant Corp. Counsel:
John C. Banbury

Mr. Steve Trombley
President
Planned Parenthood-Chicago Area
18 South Michigan Avenue-6th Floor
Chicago, Illinois 60603

September 13, 2007

Re: 3051 East New York Street – Permit #06-3529

Dear Mr. Trombley,

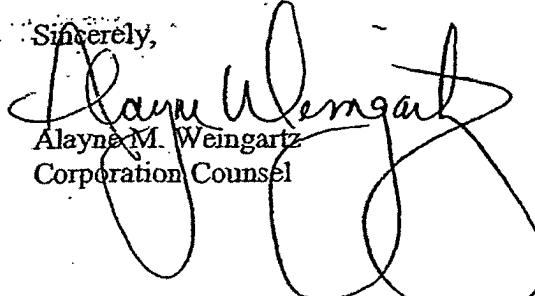
First, let me say in response to your letter of September 12, 2007 directed to John Curley, that the City of Aurora has been inundated with phone calls, e-mails, and other correspondence from persons both within and outside of our City who object to your facility, and we have had to devote numerous man-hours of staff and safety personnel to this case.

Second, the City has not, as you suggest in your letter, taken any position for or against the fact that your clinics perform abortions as a part of the services offered to your clients.

While we appreciate the inconvenience our investigation may cause if it is not completed prior to your preferred opening date, surely you can appreciate the complexity of the issues we are working through at the moment, and therefore, we cannot guarantee that the investigation will be completed prior to your date, nor can we guarantee the results of that investigation, or what our next step will be depending on the outcome thereof.

We believe our actions to date have been a reasonable response to the questions raised about our process and your part therein, and we stand by our previous correspondence to you that your conditional temporary occupancy permit does not permit you to open for business until the investigation is completed. If you believe legal action is in your company's best interests, we take no position on that, and stand ready to defend our actions in this matter.

Sincerely,


Alayne M. Weingartz
Corporation Counsel

002121